

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARNELL LEE JOHNSON,	:	
Plaintiff,	:	
v.	:	Case No. 3:05-cv-307-KRG-KAP
THOMAS L. JAMES,	:	
Defendant	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On January 30, 2007, the Magistrate Judge filed a Report and Recommendation, docket no. 32, recommending that the defendant's motion to dismiss, docket no. 30, be granted and the complaint be dismissed for failure to exhaust administrative remedies.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 21<sup>st</sup> day of February, 2007, it is

ORDERED that the motion to dismiss, docket no. 30, is granted, and the complaint is dismissed. The Report and Recommendation is adopted as the Opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Darnell Lee Johnson CE-3849  
S.C.I. Mahanoy  
301 Morea Road  
Frackville, PA 17932